

## EXHIBIT F

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**NATHALY CORTEZ, individually and  
on behalf of similarly situated individuals**

Plaintiff

V.

**CASA DO BRASIL, LLC**

**Defendant**

**CIVIL ACTION NO. 4:21-cv-03991**

## DECLARATION OF CAMERON ROGNEBY

1. My name is Cameron Rogneby. I am over the age of 18, of sound mind, capable of making this Declaration, and fully competent to testify as to the matters stated herein.
2. I am currently an Assistant Manager of the Casa do Brasil restaurant located in College Station. I have served as the Assistant Manager of this restaurant since January 21, 2022.
3. Before serving as Assistant Manager, I served at Casa do Brasil as a Customer Service Representative (“CSR”) beginning on August 28, 2020. Prior to that, I served at Casa do Brasil as a Server beginning on April 21, 2019. Prior to that, I served as a Server Trainee beginning on April 9, 2019. Prior to that, I served as a Prep Cook beginning on June 9, 2018. Prior to that, I served as a Salad Bar Attendant beginning May 2, 2018.
4. When I began my employment as a Server, I was informed by Mr. Jarbas Gottardo, General Manager of Casa do Brasil, that I would be paid \$2.13 per hour, that the remainder of my pay would be paid through tips received and that my tips would be included within a tip pool, in which the cash and credit card tips of all tipped employees – Servers, Bartenders, Gauchos and Customer Service Representatives – on a given shift would be collected and divided among those employees, as well as Bus Boys. I also signed a “Tip Pooling Agreement” on April 21, 2019, related to the tip pool; a true and correct copy of that Tip Pooling Agreement is attached hereto as Exhibit F-1.
5. As an Assistant Manager, I am aware that individuals hired as Servers, Bartenders, Gauchos and Bussers are asked to sign a “Tip Reporting Acknowledgment,” “Tip-Pooling Agreement” and “Notice to Tipped Employees.” I have reviewed Exhibits A-2, A-3 and A-4, and they are true and correct copies of the forms that these new employees are asked to sign during orientation.
6. I have reviewed Exhibit 4 to Plaintiffs’ Motion to Authorize Notice to Potential Plaintiff (“Plaintiffs’ Motion”), and it is a true and correct copy of the job description for the CSR

position. The job description accurately describes the job duties of a CSR. As a CSR, I essentially performed the same duties as a Server, supporting the Servers within an identified area of the restaurant by assisting in customer service. As the job description indicates, and when asked by a Manager of the restaurant, I would also perform additional duties, such as assisting in Server training, discussing available wines during staff meetings and assisting with duties related to the closing of the restaurant. Other Servers also participate in the Server training process. CSRs do not supervise other employees, as they have no authority to require other employees to perform tasks, but they work with Servers to coordinate client service to the customers in a designated area.

7. As a CSR, I was initially paid an hourly rate of \$5.00 per hour plus tips. I was never paid a salary as a CSR. I was, however, guaranteed that my hourly pay and credit card tips would equal a guaranteed amount for the pay period. If those amounts did not equal the guaranteed amount, Casa do Brasil paid me an additional amount of money to ensure that my pay for the pay period was equal to the promised minimum payment. These additional payments were reflected as "Misc Earnings," "Guarantee" or "Guarantee Ot" on my pay statement for the pay period. As an Assistant Manager, I am aware that none of the CSRs currently employed at the restaurant are paid a salary, and I am also aware that some, but not all, CSRs are similarly guaranteed that their hourly pay during a given pay period will not be less than the guaranteed hourly rate, which guaranteed amount may vary by employee.
8. As a Server, I was guaranteed that I would make at least \$20.00 per hour, based upon my hourly rate and credit card tips. If those amounts did not equal the guaranteed amount, Casa do Brasil paid me an additional amount of money to ensure that my pay for the pay period was equal to the promised minimum payment. As an Assistant Manager, I am aware that some, but not all, Servers are similarly guaranteed that their hourly pay during a given pay period will not be less than a guaranteed hourly rate, which rate is generally \$20.00 per hour.
9. As an Assistant Manager, I am aware that some, but not all, Gauchos are guaranteed that their hourly pay during a given pay period, including the hourly rate and credit card tips, will not be less than a guaranteed hourly rate, which varies by employee. If those amounts do not equal the guaranteed amount, Casa do Brasil pays the Gauchos an additional amount of money to ensure that pay for the pay period is equal to the promised minimum payment.
10. As an Assistant Manager, I am aware that some, but not all, Bartenders are guaranteed that their hourly pay during a given pay period, including the hourly rate and credit card tips, will not be less than a guaranteed hourly rate, which may vary by employee. If those amounts do not equal the guaranteed amount, Casa do Brasil pays the Bartender an additional amount of money to ensure that pay for the pay period is equal to the promised minimum payment.
11. Casa do Brasil's restaurant is managed by a General Manager and Assistant Managers. As a former CSR and current Assistant Manager, I have personal knowledge that CSRs are not management employees. As a CSR, I never hired an employee, although a



Manager might ask my thoughts regarding a candidate. As a CSR, I never disciplined an employee, although I provided information to Managers, who made decisions related to employees.

12. Casa do Brasil's restaurant is managed by a General Manager and Assistant Managers. CSRs are not management employees. CSRs do not supervise other employees. CSRs cannot require other employees to perform tasks, but they work with Servers to coordinate client service to the customers in a designated area. CSRs do not have the authority to hire employees, discipline employees or fire employees. CSRs do not have the authority to set employee compensation. CSRs and other employees may report information to a Manager or Assistant Manager who has the authority to hire, discipline, promote or fire employees. CSRs do not have the authority to suggest or recommend that an individual be hired or that an employee be disciplined, promoted, given a compensation increase or terminated. Information provided to a Manager or Assistant Manager by an employee, including a CSR, regarding an individual may be considered by a Manager or Assistant Manager in making a decision regarding the hiring, disciplining, promoting, paying or firing of an individual, but it is not given any weight as a suggestion or recommendation. CSRs do not have the authority to discount or "comp" customer meals, unless a Manager or Assistant Manager has authorized a CSR to do so through the Point of Sale ("POS") system through which customer orders are maintained and customer invoices are generated.
13. Cash tips are collected each shift in a cash box located near the Cashier. At the end of each shift, the tipped employees from that shift select a representative to count the cash in the cash box and distribute the tips among the Servers, Bartenders, Gauchos and CSRs who worked that shift. I have never taken cash from the cash tips to pay for mistakes by employees, and I have never been instructed by a Manager to take cash from the cash tips to pay for mistakes by employees. I have never seen cash being taken from the cash tips to pay for mistakes by employees.
14. Casa do Brasil does not have an official time when the restaurant is closed. We usually stop seating customers at 9:30 pm. The restaurant remains open until all customers have left and closing duties have been performed. Typically, the restaurant is closed by or before 11:30 pm, although the time varies because of the fact that customers may still be in the restaurant or closing duties remain incomplete.
15. Managers and Assistant Managers have the ability to make appropriate changes to the time record in the Point of Sale ("POS") system used by Casa do Brasil for recording employees' hours worked. Changes to an employee's time record in the POS are identified in a time audit report. If an employee forgets to clock in, a Manager can change the start time to reflect the correct start time, which change is recorded in the time audit report. If an employee forgets to clock out, the POS system automatically records the end time as 4:00 a.m. on the following day, but the end time can be changed in the POS system to the time when the employee should have clocked out by a Manager or Assistant Manager.

16. I have reviewed Exhibit 16 to Plaintiffs' Motion. Exhibit 16 is Casa do Brasil's current Servers Training Manual for the restaurant in College Station, Texas, which was revised approximately five months ago. Exhibit 16 identifies Jarbas Gottardo, Jocemar Suzin and me as "Managers" on page two of the Manual. Mr. Gottardo and Mr. Suzin are Managers at the restaurant in College Station, Texas. Previously, Mr. Suzin and I were employed as CSRs. We were not employed as CSRs during the period in which Exhibit 16, in its current form, was created and distributed to employees.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 10/11/22


  
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Cameron Rogneby  
Assistant Manager  
Casa do Brasil, LLC

EXHIBIT F-1

## Tip Pooling Agreement

Congratulations and welcome to the team

The following tip pooling guidelines apply to eligible employees who participate in Casa do Brasil tip pooling agreement.

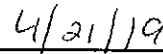
Here at Casa do Brasil, we believe everyone who contributes to the chain of service to our guests impacts the overall guest experience, which impacts the tips left by the guest. Therefore, we have a tip-sharing program in which all non-management employees who contribute to guest service receive a share of the tips collected. These include servers, bussers, and bartending services.

It is the policy of Casa do Brasil to comply with federal and state laws regarding payment of wages and tax reporting tips/gratuities. It is the employee's responsibility to report and disclose such information.

By signing below, I acknowledge that I understand the guidelines of Casa do Brasil tip pooling agreement.



\_\_\_\_\_  
Signature



\_\_\_\_\_  
Date

**CASA<sup>DO</sup>  
BRASIL**  
BRAZILIAN STEAKHOUSE